

**MINUTES OF THE REGULAR MEETING OF THE
EDINA HERITAGE PRESERVATION BOARD
TUESDAY, FEBRUARY 10, 2009, AT 7:00 P.M.
EDINA CITY HALL – COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT: Chairman Chris Rofidal, Bob Kojetin, Lou Blemaster, Arlene Forrest, Laura Benson, Connie Fukuda, Jean Rehkamp Larson and Elizabeth Montgomery

MEMBERS ABSENT: None

STAFF PRESENT: Joyce Repya, Associate Planner
Jackie Hoogenakker, Planning Secretary

OTHERS PRESENT: Andy Porter, Refined LLC

I. APPROVAL OF THE MINUTES: January 13, 2009

Member Forrest suggested several changes to the minutes which were accepted.

Member Kojetin moved approval of the minutes from the January 13, 2009 meeting. Member Benson seconded the motion. All voted aye. The motion carried.

II. COUNTRY CLUB DISTRICT :

A. Certificates of Appropriateness

1. H-09-2 4602 Bruce Avenue – Construction of new house and garage

Planner Repya reminded the Board that the Heritage Preservation Board considered the subject COA request at the January 13, 2009, meeting and at that time provided preliminary approval of the project subject to:

- A reduction to the height of the ridge of the attached garage to reduce the massing of the home, and
- Recess the north wall west of the gable end roof to again reduce massing.

The applicant has provided a revised plan, demonstrating the following changes to address the concerns expressed by the HPB and audience members:

1. The ridge of the garage was lowered by 1 ½ feet and the end gable was changed to a hipped roof to reduce the massing of the structure from the north, west and south elevations.
2. The north wall was recessed 4 inches; about 15 feet back from the front of the home providing definition to the north segment of the home that has a hipped roofline, and some depth to the overall north wall.
3. The double hung windows on the front elevation were reduced in size, yet still meet the egress requirements of the Uniform Building Code.

Addressing the subject of massing, the applicant also provided an overlay demonstration of the size the home could have been if District's Plan of Treatment were not in place, and only the provisions of the zoning ordinance were considered.

PRESERVATION CONSULTANT ROBERT VOGEL'S RECOMMENDATION:

Preservation Consultant Robert Vogel provided a detailed analysis of the most recent plans provided for the subject COA.

Recognizing the concerns raised relative to the massing effect of the proposed home, Mr. Vogel pointed out that the core volume or external massing of the proposed project represents a large house, but it would not be the largest house in the Fairway section of the Country Club District. The home's proportions do not appear to be out of scale with other homes in the district, historic or non-historic in terms of ground plan dimensions, number of stories, roof shape, and garage configuration. Furthermore, the home's facade would be geometrically similar to nearby historic homes and its greater core volume should not adversely effect on the historic integrity of nearby homes or detract from the historic character of the streetscape.

Mr. Vogel added that the proposed home is without a doubt, an improvement over the existing house, which is incompatible with the historic character of the district in form, plan and style; and he recommended that because the proposed home complies with the plan of treatment criteria for new homes in the Country Club District, the HPB should grant final approval of the COA for the new construction subject to the plans presented and a year built plaque be displayed on the home.

STAFF RECOMMENDATION & FINDINGS:

Planner Repya stated that staff finds that the proposed plan meets the criteria set out in the design review guidelines of the Country Club District Plan of

Treatment. Furthermore, the applicant has addressed the concerns expressed by the HPB and neighbors with revisions to the plan, thus approval of the Certificate of Appropriateness is recommended. The following findings support the recommendation:

1. The proposed new home meets the design review standards and guidelines for construction of new homes in the Country Club District.
2. The proposed home is within 10% of the average height of the homes to the north and south as required in the District's Plan of Treatment. Without the District's 10% guideline, the proposed home could be built 6-8 feet higher to the ridge-line of the home.
3. The changes from the original proposal, including lowering the roof over the garage and the gable-end reshaped as a hip roof has reduced the mass of the new home.
4. The proposed home is an improvement over the existing home, which is not a historic resource, and incompatible with the historic character of the district.
5. Survey data of the Country Club has shown that many properties in the district have been substantially enlarged since their initial construction through the addition of new rooms, additional structures or tear down and rebuilt homes.
6. The façade would be geometrically similar to nearby historic homes and the volume or mass would not adversely affect the historic integrity of nearby homes or detract from the historic character of the streetscape.
7. Construction of an attached garage is in character and appropriate in the Country Club District.

Planner Repya recommended that the approval of the Certificate of Appropriateness be subject to the plans presented and that a year built plaque is displayed on the home.

BOARD COMMENTS:

Chair Rofidal asked Planner Repya if the Zoning Board of Appeals approved the driveway width variance. Planner Repya responded in the affirmative.

APPLICANT'S PRESENTATION:

Mr. Porter thanked the Board for their consideration and preliminary COA approval at the January 13th meeting. Continuing, Mr. Porter noted demolition of the existing home is not an issue before the Board. He acknowledged that in the past there had been discussions at the Council level on establishing a FAR (Floor Area Ratio) to control "massing"; however, the decision was made not to establish a FAR and address the massing issue through amending the Code on building height, elevation, and side setback.

Mr. Porter addressed the following changes to the plan:

- The ridge of the garage was lowered by 1 ½ feet.
- The end gable was changed to a hipped roof reducing the mass
- The north wall was recessed 4 inches; about 15 feet from the front of the home.
- The double hung windows on the front elevation of the home were reduced in size.

Mr. Porter presented a slide show depicting side elevations of over 80 homes in the Fairway Section of the Country Club District, pointing out many homes in the district have undergone major renovations that did not have to be reviewed by the HPB. Continuing, Mr. Porter added that of those homes which have had additions to the rear, the front facades appear to be unchanged. Concluding, Mr. Porter stated he listened to comments from city staff and neighbors and labored to provide what he believes is a thoughtful revised design. He pointed out he reduced the grade of the lot, lowered the ride of the garage, surpassed the COA criteria, and city staff and the HPB consultant have indicated their support.

BOARD MEMBER COMMENTS:

Member Forrest:

- Artist rendition does not include the house to the north. The new house should be viewed in context with the entire block.
- Placement of the AC condenser (south side) doesn't appear to meet the required setback. Is this the final plan?

PUBLIC COMMENT:

Vicki Slomiany, 4604 Bruce Avenue, presented a signed petition representing nearly all neighbors on the 4600 block of Bruce Avenue indicating their opposition to the proposal as submitted. Ms. Slomiany stated that the proposed house is not appropriate in size, scale and mass when compared to other homes on the block. Ms. Slomiany also referred to a graph she compiled that represented the square footage of homes on the block. The average square footage was 2,231 square feet.

Continuing, Ms. Slomiany stated that in her opinion the size, scale and mass of a new home must be compatible with the size, scale and mass of the homes around it. Ms. Slomiany reported that she found there are a number of cities in the metro area that measure "compatibility" using FAR. This is the ratio of building size to lot size. Ms. Slomiany presented a graph depicting the FAR of all homes on the block.

In conclusion, Ms. Slomiany acknowledged that no one wants the present house to stay; however, the neighborhood does want to see a house built that fits into the neighborhood. Ms. Slomiany also suggested that the city and developer make sure the placement of the AC condenser is correct, adding she understands that the developer may not know exactly where the condenser will go. Ms. Slomiany urged denial of the COA.

Dan Dulas, 4609 Bruce Avenue, stated that in his opinion the design of the new home is incompatible with the homes in the neighborhood. Mr. Dulas said the stone proposed for the front entry is too heavy, the two story windows in the stairwell are out of character, and living space above the attached garage is not compatible. Mr. Dulas also stated that in his opinion the roof plan is too complex, adding roof lines along Bruce Avenue are simple. Concluding, Mr. Dulas pointed out the data supplied by Ms. Slomiany concludes that the house as proposed is out of character in size, scale and mass. Mr. Dulas asked the Board to reverse their previous decision approving a preliminary COA for 4602 Bruce Avenue and deny the request as submitted.

Mike Balay, 4625 Bruce Avenue, explained that he signed the petition opposing the proposed home and urged the Board to use their best judgment and deny the request as submitted. Mr. Balay concluded that in his opinion the new house is not compatible with the neighborhood; it's too large, adding we are moving toward a time of more modest living and smaller homes.

Kitty O'Dea, 4610 Bruce Avenue, submitted photo's of homes on the west side of Bruce Avenue. Ms. O'Dea also stated that in her opinion the "porch" area on the front of the new home isn't in keeping with the character of the homes in the neighborhood, and doesn't respect the established front yard setback. Continuing, Ms. O'Dea gave a presentation highlighting "front doors" found in the neighborhood, pointing out the proposed "porch" violates the rhythm of the streetscape. Concluding, Ms. O'Dea stated that the proposed two story windows are not typical Tudor elements, the mass of the home is too large and the building height should be reduced to better match the property to the south. Ms. O'Dea also suggested that all elements (including the proposed "front porch") of the new home meet the required setbacks, and that the Board protect the Plan of Treatment by denying this request.

Member Kojetin moved to close public comment. Member Rehkamp Larson seconded the motion. All voted aye; motion carried.

BOARD COMMENTS/QUESTIONS

Chair Rofidal noted that a number of questions and concerns were raised by neighbors that should be addressed. Continuing, Chair Rofidal asked Planner Repya to explain the front yard setback concern raised by neighbors on the proposed "front porch". Planner Repya responded that recently the code was

amended to address the current trend to “dress up” front entryways. Planner Repya said city code now stipulates that unenclosed porches supported by posts or columns not exceeding 80 square feet in area, can have a front yard setback no closer than 20 feet to a front property line. Planner Repya stated that Mr. Porter’s design meets those requirements.

Member Benson referred to Member Forrest’s earlier comment on the location of the AC condenser and asked Mr. Porter if he was confident that the condenser could be placed in a conforming location. Mr. Porter responded in the affirmative.

Member Blemaster asked Mr. Porter if he ever considered constructing a smaller home. Mr. Porter responded that he focused on meeting the criteria found in the Plan of Treatment and City Code. Continuing, Mr. Porter said he also relied on what he learned in the past from attending Massing Task Force and City Council meetings. Expanding on his comments Mr. Porter stated that an important point to consider when evaluating his proposal is that the elevation of the lot will be lowered, reiterating the new home was designed to meet all requirements, both HPB and zoning.

Member Forrest stated her concern is with the size, scale and mass of the proposed house. Member Forrest said in her opinion the plan doesn’t appear to be sensitive to the surrounding properties, especially as it relates to the home to the south. Member Forrest added she also doesn’t feel the proposed stone front entryway or the 2nd-story windows are appropriate for a home located in an historic district, adding those elements are more contemporary in nature. Mr. Porter responded that in his opinion massing is very subjective, adding he believes he meets the criteria established in the Plan of Treatment. Concluding, Mr. Porter stated that in his opinion the process to achieve a COA is very challenging.

Member Kojetin observed that in his opinion the bottom line comes down to massing. “Discussing” the architectural elements of a new home can be discussed and re-discussed at length. Concluding, Member Kojetin pointed out Mr. Porter has followed the City’s established guidelines, adding now the Board must either decide if they believe the proposed home at 3,200 square feet is too large and therefore not compatible with homes in the immediate area.

Chair Rofidal stated the challenge that the Board faces is how to determine what the appropriate square footage of a new home should be. He pointed out the Council made it clear that they were not interested in establishing FAR to reduce mass. Chair Rofidal observed that establishing a 10% square footage guideline, similar to the guideline used in the Plan of Treatment to determine building height could be a tool used to reduce mass. Chair Rofidal stated he believes the plan submitted is appropriate. He pointed out the present home is not an historic resource, the new home meets the POT 10% height requirement,

the architectural design of the new home is appropriate, the new home meets all setbacks, the grade of the lot is lowered; which is a plus, the windows on the first and second floors have been reduced, and the foot print of the proposed home is less than the footprint of the existing home.

Member Rehkamp Larson stated this proposal is challenging. She pointed out there are many good things about the project, adding she believes the front façade works well, and the revisions made to the plan by Mr. Porter are good. Member Rehkamp Larson acknowledged that it must be frustrating for Mr. Porter that the direction found in the Plan of Treatment is so vague. Continuing, Member Rehkamp Larson said the one thing that concerns her about the project is that the square footage of the new home is just too much. Member Rehkamp Larson commented that what the Plan of Treatment may need is clearer direction on “mass”. Member Rehkamp Larson suggested that the Board consider providing a size limit either through a percentage or another form. Concluding, Member Rehkamp Larson also noted that the Board doesn’t “weigh in” on additions to a home, so it may appear that new homes are treated unfairly.

Member Blemaster informed the Board Ms. Slomiany is a friend and client. Continuing, Member Blemaster stated she understands that every person should have the right to improve their property; however exercising property rights should not have an adverse affect on neighboring properties.

Member Benson said she is concerned with massing; however, she has no problem with the front façade of the home.

A discussion ensued on the struggle the Board has with the square footage of the proposed home and how the new home relates in size to its immediate neighbors. The Board acknowledged a disconnect between limiting the square footage of a new home when the square footage of an existing home can be increased considerably without review by the Board. Discussion continued focusing on if the living space over the proposed garage should be reduced or eliminated. The consensus of the majority of Board Members was that the mass, size, and scale of the proposed home is not compatible with homes in the immediate area.

Mr. Porter addressed the Board and reiterated the Plan of Treatment is too vague. He pointed out at the direction of the Board he revised his plan. Mr. Porter added it is very difficult to continue making changes to a plan without the assurance that the plan would be approved. Concluding, Mr. Porter said he has a hard time understanding that according to some members of the Board that he didn’t meet the criteria established in the Plan of Treatment or Zoning Ordinance, adding in his opinion it isn’t fair that the Plan of Treatment treats remodels differently than new construction.

The discussion continued with the Board agreeing that applicants should be provided with clearer direction. Chair Rofidal suggested that in the future the Board study these issues; however, discussing changes to the Plan of Treatment at this time wouldn't be appropriate. Member Forrest said she commends Mr. Porter for his patience; however, reminded him that at this time a Certificate of Appropriateness is required for new construction, not remodels.

BOARD ACTION

Member Kojetin moved to table the final vote on H-09-02 allowing the Board time to further study massing. No second offered to the motion.

Member Blemaster moved to deny H-09-02, based on the inappropriate size, scale and mass of the new home when compared to the size, scale and mass of homes on the 4600 block of Bruce Avenue. Member Blemaster encouraged the applicant to revise his plan and return to the Board with a revised plan that further reduces the size, scale and mass of the new home. Member Fukuda seconded the motion. Ayes; Montgomery, Blemaster, Rehkamp Larson, Fukuda, Forrest, Kojetin. Nays; Benson and Rofidal. Motion carried.

Chair Rofidal thanked the neighbors for their feedback and Mr. Porter for his time and energy in working with staff and neighbors.

III. PUBLIC COMMENT:

None

IV. COA PROCEDURE COMMITTEE REPORT:

It was reported that the COA Procedure Committee met on February 4, 2009.

HPB Members Present: Blemaster, Rofidal, Forrest

Staff Present: Joyce Repya

Public: Dan Dulas and Andy Porter

Member Forrest summarized that the Plan of Treatment recognizes the importance of allowing adequate time for public comment, adding the Committee came to the conclusion that obtaining a COA would require a minimum of two meetings with public notice for both.

- The first meeting would entail a formal presentation with well developed plans. It would also be more of a listening session – a give and take

between the HPB, neighbors and the applicant. No formal action is required at the first meeting.

- The second meeting would require final plans. The Board would vote to either grant or deny the COA.

Member Forrest said the Committee also discussed the option of an informal meeting (before a COA is applied for) requiring no action and no notice. This meeting could be considered as “information gathering”.

Member Blemaster said the Committee recognized that the use of the term “Preliminary COA” can be misleading for the applicant.

Chair Rofidal explained that more meetings would occur if the house in question is a Heritage Resource, adding the Committee believes that if the house was a Heritage Resource there could be up to five meetings before a final decision is made. Chair Rofidal said in all instances when a COA is granted or denied there is the option of appealing the decision of the HPB to the City Council.

Member Forrest said the Committee will work with Planner Repya on drafting language, adding after the final draft is completed the draft will be sent to all HPB members for their review and comment.

V. OTHER BUSINESS:

- Attendance Policy for Boards and Commissions

Planner Repya provided the board with Section 180 of the City Code which addresses the attendance policy for members of boards and commissions.

Chair Rofidal pointed out that there are two attendance criteria that the board should be aware of:

1. Board members must attend at least 75% of scheduled meetings in a calendar year, whether regular or special, and
2. Board members may miss no more than two consecutive meetings.

Chair Rofidal added that members who are in violation of either of those criteria will be removed from the board or commission. Unfortunately, the HPB has lost a long standing member due to the policy, and two other members were in jeopardy of removal had there not been a special meeting in December.

Following a brief discussion, the board expressed their disappointment of losing a member and agreed that they appreciated receiving a copy of the code for future reference.

VI. CORRESPONDENCE:

- Planner Repya noted that the Spring About Town will include a notice of Heritage Award nominations.
- Planner Repya reported that election of a new HPB chair will occur at the March meeting.
- Planner Repya acknowledged that Member Benson will be leaving the HPB. Planner Repya and HPB Members sincerely thanked Member Benson for her service.

VII. ADJOURNMENT:

The meeting was adjourned at 10:20 PM

Submitted by